

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SEAN PRESSLEY,	)	
	)	
Plaintiff,	)	Civil Action No. 01-2350
	)	
v.	)	Judge Terrence F. McVerry/
	)	Magistrate Judge Lisa
SUPT. P. JOHNSON, C.O. CLARK,	)	Pupo Lenihan
C.O. YOLINSKY, C.O. M. FREEMAN,	)	
C.O. G. FREEMAN, LT. BLAKELY,	)	
CAPT. T. MCCONNELL, C.O. W. DUKE,	)	
C.O. ABRAMS, C.O. CRUMB, CAPT.	)	
CLAYBORNE, DR. REUDA, P.A.	)	
F. POLANDO, DEPUTY SUPT. DICKSON,	)	
C.O. B. KNIGHT, C.O. FULLER, C.O.	)	
NEIPORT, CAPT. SIMPSON, H.E.	)	
MATHEWS, SGT. BEDILION, C.O.	)	
FRIDLEY, C.O.S. POS. DOE, #1, LT.	)	
E. FERSON, JOHN DOE, #2, C.O.	)	
ONSTOTT, C.O. SHAFER, JOHN DOE, #3	)	
LT. A. BOVO, C.O. ROSE, C.O.	)	
JOHNSON, C.O. AKERS, SGT. GIDDENS,	)	
LT. J. HOLMES, SUPT. CONNER	)	
BLAINE, JOHN DOE, #4, MAJOR	)	
HASSETT, DEPUTY SUPT. MILLER,	)	
SMITH, MAHLMEISTER, BRUNO, CAPT.	)	
GRAINEY, sued in their individual	)	
and official capacities, C.O.	)	
SIPOS, NURSE DANNER, JOHN DOE #5,	)	
JOHN DOE #6, and JOHN DOE #7,	)	
	)	
Defendants.	)	

**ORDER**

The above captioned case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The Magistrate Judge's Report and Recommendation (Doc. No. 238), filed on June 5, 2006, recommended that the Motion for Summary Judgment filed by Defendant Rueda (Doc. No. 231) be granted. It further recommended that the Motion for Summary Judgment filed by the Commonwealth Defendants (Doc. No. 228) be granted as to Plaintiff's First Amendment access to courts claims and denied as to Plaintiff's First Amendment retaliation claims. All parties were served with the Report and Recommendation and were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed Objections to the Report and Recommendation (Doc. No. 239), which upon review, are without merit.

After review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

**AND NOW**, this 28<sup>th</sup> day of September, 2006;

**IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by Defendant Rueda (Doc. No. 231) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment filed by the Commonwealth Defendants (Doc. No. 228) is **GRANTED** as to Plaintiff's First Amendment access to courts claims and **DENIED** as to Plaintiff's First Amendment retaliation claims.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 238) of Magistrate Judge Lenihan, dated June 5, 2006, is adopted as the opinion of the court.

By the Court:

s/ Terrence F. McVerry  
United States District Judge

cc: The Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

Sean Pressley, CG-4129  
SCI Camp Hill  
P.O. Box 200  
Camp Hill, PA 17001 SCI-Greene

Craig E. Maravich, Esquire  
Email: cmaravich@attorneygeneral.gov

A. Tracey Campbell, Esquire  
Email: campbellt@whiteandwilliams.com

Charles T. Roessing, Esquire  
Email: roessingc@whiteandwilliams.com  
David Zaslow, Esquire  
Email: zaslowd@whiteandwilliams.com